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Attorneys for Plaintiffs,
BMG MUSIC; UMG RECORDINGS, INC.;
SONY BMG MUSIC ENTERTAINMENT;
INTERSCOPE RECORDS; WARNER
BROS. RECORDS INC.; and CAPITOL
RECORDS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BMG MUSIC, a New York general partnership;
UMG RECORDINGS, INC., a Delaware
corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; INTERSCOPE RECORDS, a
California general partnership; WARNER
BROS. RECORDS INC., a Delaware
corporation; and CAPITOL RECORDS, INC., a
Delaware corporation,

Plaintiffs,

v.

JOHN DOE #6,

Defendant.

CASE NO. 5:07-CV-04840-PVT

Honorable Patricia V. Trumbull

***EX PARTE* APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for January 8, 2008, at 2:00 p.m. to April 8, 2008. Plaintiffs have not requested, and the
3 Court has not granted, any previous continuance of this case management conference.

4 Plaintiffs filed the Complaint against Defendant John Doe #6 ("Defendant") on September
5 20, 2007. Also on September 20, 2007, Plaintiffs filed their *Ex Parte* Application for Leave to Take
6 Immediate Discovery seeking the Court's permission to serve a Rule 45 subpoena on Santa Clara
7 University ("SCU"), so that Plaintiffs could obtain information sufficient to identify Defendant. On
8 October 1, 2007, this Court issued its Order Granting Plaintiffs' *Ex Parte* Application for Leave to
9 Take Immediate Discovery authorizing Plaintiffs to serve a Rule 45 subpoena on SCU. On
10 November 16, 2007, SCU responded to Plaintiffs' subpoena, providing Plaintiffs with identifying
11 information including Defendant's name, telephone number, and address.

12 After learning Defendant's identity, Plaintiffs sent a letter to Defendant on November 28,
13 2007 in hopes of resolving this dispute without further litigation. Defendant responded to Plaintiffs'
14 letter and the parties have now initiated settlement discussions. If the parties reach a settlement,
15 Plaintiffs will promptly file dispositional documents with the Court. If the parties are unable to
16 resolve the dispute, Plaintiffs plan to file an amended complaint naming Defendant personally.

17 Given the foregoing circumstances, and because there is not yet a named defendant in this
18 case, a case management conference is unnecessary at this time. Plaintiffs therefore respectfully
19 request that the Court continue the case management conference currently set for January 8, 2008, at
20 2:00 p.m. to April 8, 2008.

21 Dated: December 20, 2007

HOLME ROBERTS & OWEN LLP

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23 By: /s/ Matthew Franklin Jaksa
24 MATTHEW FRANKLIN JAKSA
25 Attorney for Plaintiffs
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ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for January 8, 2008, at 2:00 p.m. be continued to April 8, 2008.

Dated: _____

By: _____
Honorable Patricia V. Trumbull
United States Magistrate Judge